

REMARKS/ARGUMENTS

I. Introduction

Claims 1-9, 11-15 and 22-31 are pending in the above application.

Claim 1 stands rejected under 35 U.S.C. § 112 ¶ 2.

Claims 1-9, 11-15 and 22-31 stands rejected under 35 U.S.C. § 102.

Claims 1, 12 and 22 are independent claim.

II. Amendments

Claims 18, 19 and 21 have been canceled without prejudice or disclaimer.

Claims 1, 12 and 22 have been amended to more particularly point out the inventions therein.

The amendment to claim 1 is believed to address the Examiner's concern enumerated in the rejection thereof under 35 U.S.C. § 112, ¶ 2. Support for the amendments may be found at least at paragraph 27 of Applicant's application.

No new matter has been added.

III. Prior Art Rejections

The Examiner has rejected claims 1-31 under 35 U.S.C. 102(b) as being anticipated by Bowman et al. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102(b) that forms the basis for these rejections:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or in a foreign country or in a public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Bowman does not appear to disclose at least receiving provisioning information from a subset of the population of digital receivers indicating that the subset is potentially within range to receive digital television from a the broadcaster; encrypting first content using a first method using a content encryption key; distributing the first content; encrypting the content encryption key using the first decryption information, the first decryption information being generated using the provisioning information; and distributing the content encryption key to the subset of the population of digital receivers, wherein the second decryption information is cryptographically secured with the first decryption information, as recited by amended claim 1. While the Office action cites to col. 1, lines 12-22 for allegedly receiving provisioning information at a broadcaster, upstream information to a broadcaster does not appear to be discussed therein. Moreover, there does not appear to any discussion in Bowman for using provisioning information provided from subscribers to generate encryption information. Finally, there also does not appear to be any discussion in Bowman for using such to encrypt a content key, which is used to encrypt content.

Claims 12 and 22, as amended, contain similar features which are also not believed to be disclosed by Bowman.

Accordingly, as Bowman does not disclose each and every limitation of amended claims 1, 12 or 22, nor claims 2-9 and 11, which depend on claim 1, nor claims 13-15

which depend on claim 12, nor claims 23-31 which depend on claim 22, and incorporate all of the limitations thereof, respectively, Bowman does not anticipate the above amended claims.

IV. Conclusion

The Applicant believes that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicant.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Dated: October 18, 2007

Respectfully submitted,

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